HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.771 of 2007

Dated:01.02.2007

Between:

Sarwar Khan.

...Petitioner

and

Mandal Revenue Officer and another.

...Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.771 of 2007

ORDER:

This Writ Petition is filed seeking a writ of mandamus directing the second respondent not to make any construction on the land admeasuring Ac.0.12 guntas in Survey No.658/C situated at Ramakrishna Colony of Nusthulapoor Village of Thimmapoor Mandal in Karimnagar District. Be it noted that the second respondent is neither a public authority nor discharging public duties. She is a private individual who admittedly purchased the subject land from one Smt.K.Bharathi.

It is the case of the petitioner that he purchased the subject land in 1982 from Jeedipalli Lingaram @ Lingayya. He applied for mutation, in vain. He again submitted another application on 31.07.2006. The Mandal Revenue Officer initiated enquiry and issued notice in response to which the vendor of the petitioner appeared and gave a statement. Smt.K.Bharathi filed objection petition alleging that she is the owner of the property and that she executed a sale deed in favour of the second respondent in 2004. Be that as it is, while the application of the petitioner was pending, Smt.K.Bharathi filed O.S.No.665 of 2006 on the file of the Court of the Principal Junior Civil Judge, Karimnagar, and obtained *ex parte* injunction, and thereafter, the second respondent started construction, which would be injurious to the rights of the petitioner. Therefore, the petitioner approached the Mandal Revenue Officer who allegedly asked him to approach the Village Secretary to decline any building permission. The petitioner alleges that even the Village Secretary is also in collusion with the second respondent, and therefore, he filed the present Writ

Petition.

A perusal of the affidavit and the brief narration of the facts as above would show that the dispute between the petitioner and the second respondent is a private law dispute. Further the suit filed by the vendor of the second respondent is already pending on the file of the Court of the Principal Junior Civil Judge, Karimnagar, and therefore, this Writ Petition is misconceived. The petitioner has to avail the remedy in a civil Court.

The Writ Petition is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

01.02.2007
vs